

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

RICKEY MISCO and  
MISCO HOLDINGS, LLC,

CIVIL NO. 18-94 (PJS/DTS)

Plaintiffs,

v.

ORDER

CITY OF MINNEAPOLIS;  
NOAH SCHUCHMAN and  
KATHY ZIERKE *in their individual  
and official capacity*,

Defendants.

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge David T. Schultz dated August 16, 2018. No objections have been filed to that Report and Recommendation in the time period permitted.

The Court, being duly advised in the premises, upon the Report and Recommendation of the Magistrate Judge, and upon all of the files, records and proceedings herein, now makes and enters the following Order.

IT IS HEREBY ORDERED that Defendants' Motion to Dismiss and for Judgment on the Pleadings [Docket No. 39] is GRANTED IN PART and DENIED IN PART as follows:

1. With respect to Defendants Noah Schuchman and Kathy Zierke, the motion is GRANTED and the claims against them are DISMISSED WITH PREJUDICE.

2. With respect to Plaintiffs' claims against Defendant City of Minneapolis, Plaintiffs' Complaint is DISMISSED WITHOUT PREJUDICE under Fed. R. Civ. P. 41(b) for failure to prosecute.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: 9/11/18

s/Patrick J. Schiltz  
PATRICK J. SCHILTZ  
United States District Court Judge